FEB B Mile Certificate of Mailing

Trw/

Patent

Atty. Docket: H60-113 US

Thereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on: February 15, 2005

Gina M. Maida

. .

Dated: February 15, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : SVEN-ERIK CARLSON, ET AL.

Serial No. : 10/654,184

Filing Date : SEPTEMBER 3, 2003

Examiner : MATTHEW J. KREMER

Group Art Unit : 3736

For : INCREASING THE PERFORMANCE OF AN OPTICAL

PULSOXIMETER

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

- [] Under 37 C.F.R. 1.129(a), or (First/Second Submission after Final Rejection)
- [] Under 37 C.F.R. 1.97(b), or (Within any one of the following time periods: three (3) months of filing national application, other than a CPA, or date of entry of the national stage in an international application; or before the mailing date of a first official action on the merits in a non-provisional application, including a CPA; or a Request for Continued Examination (RCE)
- [X] Under 37 C.F.R. 1.97(c), together with either:
 - [] Statement under 37 C.F.R. 1.97(e), as checked below, or
 - [X] Fee of \$180.00 under 37 C.F.R. 1.17(p), or (After the 37 C.F.R. 1.97(b) time period, but before Final Office Action or Notice of Allowance, whichever issues first)
- [] Under 37 C.F.R. 1.97(d), together with:

02/18/2005 ZJUHAR1 00000051 10654184

01 FC:1806

180.00 OP

		[] Statement under 37 C.F.R. 1.97(e), as checked below, and			
		 Fee of \$180.00 under 37 C.F.R. 1.17(p), or (Filed after Final Office Action or Notice of Allowance, whichever issues first, but on or before payment of Issue Fee) 			
[]	Under 37 C.F.R. 1.97 (i):			
		Applicant respectfully requests that the I.D.S. and cited reference(s) be placed in the application file wrapper (Filed after payment of Issue Fee).			
<u>St</u>	ate	ement Under 37 C.F.R. 1.97(e):			
[]	Each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three (3) months prior to the filing of this Information Disclosure Statement; or			
[No item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the undersigned, after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. 1.56(c) more than three (3) months prior to the filing of this Information Disclosure Statement.				
		ement Under 37 C.F.R. 1.704 (d) - (Patent Term Adjustment): les to original applications, other than designs, filed on or after May 29, 2000)			
[Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart application and this communication was not received by any individual designated in §1.56(c) more than thirty (30) days prior to the filing of the Information Disclosure Statement.				
En	clo	osed Herewith is Form PTO-1449, and:			
[X]	Copies of the cited references are enclosed.			
[]	Copies of the cited references are enclosed, except those entered in prior application, U.S. Serial No, to which priority under 35 U.S.C. 120 is claimed (The earlier application contains copies of the cited references).			
{]	The listed references were cited in the enclosed International Search Report in a counterpart foreign application.			
[]	The "concise explanation" requirement (non-English reference) for Reference(s) under 37 C.F.R. 1.98(a)(3) is satisfied by:			
		[] the explanation provided on the attached sheet;[] the explanation provided in the specification;[] submission of the enclosed International Search Report; or[] the enclosed English language Abstract.			
		Applicant requests that the following pending applications be idered:			
U.	s.	Patent/Application No, filed/issued Patent/Application No, filed/issued Patent/Application No, filed/issued			

• •

Examiner Date

 A copy of each above-cited application, including the current claims, is enclosed.

[] A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application Serial No.______, to which priority under 35 U.S.C. 120 is claimed.

The Examiner is respectfully requested to return a copy of the above list of pending applications indicating which references were considered with the next Official Action.

Further, it is respectfully requested that the information disclosed herein be made of record in this application.

Method of Payment:

- [X] A check for the fee noted above is enclosed.
- [] Please charge our deposit account No. 14-1431.
- [XX] The Commissioner is authorized to charge any deficiency in payment of fees and credit any overpayment to our Deposit Account No. 14-1431.

Respectfully submitted,

Peter C. Michalos Reg. No. 28,643

Attorney for Applicant(s)

(845) 359-7700

Dated: February 15, 2005

NOTARO & MICHALOS P.C. 100 Dutch Hill Road, Suite 110 Orangeburg, NY 10962-2100

PTO/SB/08A (04-03) Approved for use through 04/30/2003. OMB 0651-0031 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE of a collection of information unless it contains a valid OMB control number.

Sheet 1

der the Paperwork	k Reduction Act of 1995, no persons are required to	respond to a collection of informa	tion unless it contains a valid OMB control number.	
Substitute for form	•	Complete if Known		
		Application Number	10/654,184	
INIEODM	ATION DISCLOSURE	Filing Date	September 3, 2003	
		First Named Inventor	Sven-Erik Carlson,	
	ENT BY APPLICANT	Art Unit	3736	
(Use a	as many sheets as necessary).	Examiner Name	Matthew J. Kremer	
ot 1	of 2	Attorney Docket Number	H60-113 US	

			U. S. PATEN	DOCUMENTS	
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ^{2 (f known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		^{US-} 2002/077536	06-20-2002	Elfadel, Ibrahim	
		^{US-} 5,431,170	07-11-1995	Mathews, Geoffrey R	
		^{US-} 5,628,310	05-13-1997	Lakowicz, Joseph R	
		^{US-} 2002/062070	02-23-2002	Roost, Matthias	
		^{US-} 5,167,230	12-01-1992	Chance, Britton	
		US-			
	1	US-			
		US-			
		US-			
		US-			
	1	US-			
		US-			
	†	ÚS-		-	
		US-			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear		
		Country Code ³ "Number ⁴ "Kind Code ⁵ (if known)	MM-DD-YYYY				
		EP 0 936 732	08-18-1999	Seiko Epson Cor			
						L	
						L	
	1						

Examiner	Date	
Signature	Considered	
-		

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

PTO/SB/08B (04-03)
Approved for use through 04/30/2003. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
a collection of information unless it contains a valid OMB control

Substitute for form 1449/PTO				Complete if Known		
Substitute for form 1443/F10				Application Number	10/654,184	
INFO	ORMATION	DIS	CLOSURE	Filing Date	September 3, 2003	
STATEMENT BY APPLICANT				First Named Inventor	Sven-Erik Carlson	
(Use as many sheets as песеssary)				Art Unit	3736	
	(Use as many sne	eis as n	lecessary)	Examiner Name	Matthew J. Kremer	
Sheet	2	of	2	Attorney Docket Number	H60-113 US	

Examiner	Cite	NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of	
Initials*	No.1	the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		SEARCH REPORT PCT/CH2004/000552	
		WRITTEN OPINION PCT/CH2004/000552	
<u> </u>			

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

1 This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.